

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
JACKSON DIVISION

EARNEST BEAMON

PLAINTIFF

VS.

CIVIL ACTION NO. 3:07cv208TSL-JCS

MICHAEL J. ASTRUE, COMMISSIONER,  
SOCIAL SECURITY ADMINISTRATION

DEFENDANT

ORDER

This cause came on this date to be heard upon the report and recommendation of the United States magistrate judge, after referral of hearing by this court, and the court, having fully reviewed the report and recommendation of the United States magistrate judge entered in this cause, and being duly advised in the premises, finds that said report and recommendation should be adopted as the opinion of this court.

IT IS, THEREFORE, ORDERED that the report and recommendation of United States Magistrate Judge James C. Sumner be, and the same is hereby, adopted as the finding of this court. The plaintiff's motion for summary judgment is granted, and the defendant's motion to affirm the decision is denied. This case will be remanded to the Commissioner for evaluation consistent with the report and recommendation entered in this case.

SO ORDERED this the 22<sup>nd</sup> day of December, 2009.

/s/Tom S. Lee

UNITED STATES DISTRICT JUDGE